IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 23RD FEBRUARY 2007 / 4TH PHALGUNA 1928

Bail Appl..No. 1067 of 2007()

CRIME NO.209/CR/KLM/00 OF CBCID, ALAPPUZHA UNIT

: PETITIONER/ACCUSED

V.MURUGESAN, HEAD CONSTABLE, 479,
SANKARANKOIL TOWN POLICE STATION,
SANKARANKOIL, TAMIL NADU.

BY ADV. SRI.VINOY VARGHESE KALLUMOOTTILL

RESPONDENTS: COMPLAINANT/STATE

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1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. DEPUTY SUPERINTENDENT OF POLICE,
CE CID, ALAPPUZHA UNIT.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 1067 OF 2007

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DATED THIS THE 23rd DAY OF FEBRUARY, 2007

O R D E R

Petitioner who is an accused in Crime No.209/CR/KLM/00 CBCID, Alappuzha for offences punishable under sections 55(a) of the Abkari Act and sections 120B, 468 and 201 IPC, seeks anticipatory bail.

2. Learned Public Prosecutor opposed the application.

3. The case of the prosecution is that on 18.6.1999 two tanker lorries containing altogether 24000 litres of rectified spirit consigned to a distillery at Goa from Dharani Sugar Mills, Thirunelveli was diverted and the entire quantity of spirit unloaded at Thottakkad distillery at Aluva and that the petitioner who was posted to accompany the lorry from Thirunelveli to Goa had made false entries in the passport by means of forgery to make it appear that the the entire consignment was unloaded at the original destination.

4. Anticipatory bail cannot be granted in a case of this nature. But, at the same time, I am inclined to permit the petitioner to surrender before the Investigating Officer for interrogation and then to have his application for regular bail ordered by the Magistrate concerned. Accordingly, the petitioner is directed to surrender before the Investigating Officer on any day between 26.2.2007 and

01.03.2007 for the purpose of interrogation. The petitioner shall thereafter be produced on the same day before the Magistrate having jurisdiction. The Magistrate shall consider and dispose of the application for regular bail, if any, filed by the petitioner preferably on the same date on which it is filed.

This application is disposed of as above.

V.RAMKUMAR, JUDGE

dsn